

Remarks

By entry of this amendment, claims 1-7, 9-10, 12-32, 36 and 39-63 are pending in the application. Claims 1-7, 9-10, 12-32, 36 and 39-63 have been rejected. Claims 1, 12, 13, 23, 36, 39-44, 46, 52, 54 and 56 have been amended. Support for the claim amendments can be found at least at ¶¶ 5, 17, 21, 26 and 29 and FIG. 1 of Applicant's published patent application. No new matter has been added. In view of the foregoing amendments and following remarks, Applicant respectfully requests reconsideration and allowance of the application.

Substance of Examiner Interview

Applicant notes with appreciation the time Examiner Phuong took to discuss the foregoing claim amendments and the following remarks during a telephonic interview held with the undersigned on March 12, 2009. During the interview, portions of the Phillips patent relied upon in the rejections were discussed. In particular, the update check feature of the claims was discussed. Proposed claim amendments were discussed. Agreement was reached to amend the claims. Applicant submits that the foregoing claim amendments and the following remarks provide the substance of the interview, and Applicant believes no further submission is required.

Claim Rejections under 35 U.S.C. §103

Claims 1, 2, 9-10, 12-19, 21-24, 28-31, 36, 42-46 and 50-57

Claims 1, 2, 9-10, 12-19, 21-24, 28-31, 36, 42-46 and 50-57 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Lunsford *et al.* (U.S. Publication No. 2002/0065041) in view of Kubo *et al.* (U.S. Publication No. 2004/0067784) and further in view of Phillips (U.S. Patent No. 6,192,041). Applicant respectfully disagrees.

Claim 1 recites, in part:

in response to receiving the program call, the mobile communication device activates ***a software program that performs an update check of the telephone number associated*** with the network-based communication service included in the dialing signal; establishing communications between the mobile communication device and the network-based communication service ***using a telephone number returned as a result of the update check wherein the update check is a pull operation enabling use of pre-existing security features of the mobile communication device;***

At page 5 of the Office Action, the Office admits that Lunsford and Kubo do not disclose or suggest the claimed update check. The Office relies on Phillips to disclose the update check.

The Office identifies column 2, line 44-col. 5, line 8 disclosing the claimed feature. However, only column 4, line 53-column 5, line 8 appears relevant to the claim language Phillips allegedly discloses. The relevant portion of Phillips' describes Phillips' FIG. 4 that illustrates a laptop computer 10 connected to a cellular phone 30. Network application software 24 can connect to the internet using a specified phone number that is retrieved from a register 50 located in the laptop computer 10. Phillips' cellular phone 30 has a look-up table 54 that stores reserved phone numbers. If the phone number retrieved from register 50 matches a phone number stored in look-up table 54, the cellular telephone 30 immediately retrieves a CONNECT signal from a register 56 and returns it to the networking application software 24. (See, column 4, lines 53-64 of Phillips). If the phone number does not match, the device constructs an asynchronous data call. (See, column 5, lines 3-6). However, Phillips does *not* disclose using a telephone number returned as a result of an update check to establish communications, and specifically wherein the update check is a pull operation enabling use of pre-existing security features of the mobile communication device.

In contrast, the claimed method uses the telephone number returned as a result of the update check to establish communications between the mobile communication device and the network-based communication service. Accordingly, claim 1 is allowable. Claims 23, 52 and 54 recite similar language as claim 1. Therefore, claims 23, 52 and 54 also define over the applied art. Claims 2-7, 9, 10, 12-22, 24-32, 53 and 55 depend from claims 1, 23, 52 and 54, respectively, and also define over the applied prior art.

Independent claim 36 recites, *inter alia*:

a mobile wireless transceiver configured to be ***removeably mounted in a vehicle*** comprising:

a phone communication module configured to receive the dialing signal from the remote communication module of the remote control device, ***perform an update check of a telephone number using a pull operation from the network-based communication service thereby enabling use of pre-existing security features of the mobile communication device***, access the network-based communication service ***using a telephone number returned to the mobile wireless transceiver in response to the update check*** and transmit the audio input to the network-based communication service.

Neither of Lunsford, Kubo nor Phillips describe a mobile wireless transceiver configured to perform an update check using a pull operation, and access a network-based communication service using a telephone number returned to the mobile wireless transceiver in response to the update check as recited in claim 36. Applicant respectfully submits that Lunsford, Kubo, and

Phillips, either individually or in combination, do not disclose or suggest all of the features recited in Applicant's independent claim 36. Accordingly, claim 36 defines over the applied prior art. As for claims 42 and 43, these claims depend from claim 36, and also define over the applied prior art.

The Office asserts at page 8 of the Office Action that the same rejection made with respect to claim 1 applies to claim 44. However, claim 44 recites details of a mobile communication device that are neither suggested nor disclosed by the applied prior art.

For example, independent claim 44 recites, *inter alia*:

A mobile communication device comprising:
a processor configured to execute the software program, the software program functioning cause the processor to:
perform an update check, ***which is a pull operation enabling use of pre-existing security features of the mobile communication device***, of the telephone number associated with the network-based communication service by causing the wireless transceiver ***to access the network-based communication service to pull a telephone number associated with the network-based communication service, wherein the pulled telephone number is used to access the network-based communication service***

As explained at ¶ 29 of Applicant's published patent application, the claimed update check utilizes a pull function that allows the mobile communication device to take advantage of the pre-existing security mechanisms of the device. The Office asserts that Lunsford discloses a mobile communication device. However, the telephone 14 of Lunsford does not disclose or suggest a processor configured to perform the above claimed update check. The Office, by relying on the rejection of claim 1, seems to assert that Phillips discloses the claimed update check. However, Phillips does not disclose pulling a telephone number associated with the network-based communication service and using the pulled number to contact the network-based communication service as recited in claim 44, and Kubo does not overcome this deficiency of Lunsford and Phillips.

Applicant respectfully submits that Lunsford, Kubo, and Phillips, either individually or in combination, do not disclose or suggest all of the features recited in Applicant's independent claim 44. Accordingly, claim 44 defines over the applied prior art. As for claims 45 46, 50, 51, , these claims depend from claim 44, and also define over the applied prior art.

Independent claim 56 recites, *inter alia*:

A method of providing a network-based communication service comprising:

in response to the call from the mobile communication device, ***returning from an update check that performs a pull operation from the network-based communication service to the mobile communication device an updated telephone number*** associated with the network-based communication service;

accessing, by the mobile communication device, the network-based communication service ***using the updated telephone number*** associated with the network-based communication service;

The Office asserts at page 9 of the Office Action that the same rejection made with respect to claim 1 applies to claim 56. However, claim 56 recites details of a network-based communication service that are neither suggested nor disclosed by the applied prior art. Claim 56 recites returning from an update check that performs a pull operation from the network-based communication service to the mobile communication device an updated telephone number and accessing the network-based communication service using the updated telephone number. Neither of these actions is disclosed or suggested in the applied prior art.

Applicant respectfully submits that Lunsford, Kubo and Phillips, either individually or in combination, do not disclose or suggest all of the features recited in Applicant's independent claim 56. Accordingly, claim 56 defines over the applied prior art. Claim 57 depends from claim 56, and also defines over the applied prior art.

Claims 3-5, 25-27, 39-41, 47-49 and 58-61

Claims 3-5, 25-27, 39-41, 47-49 and 58-61 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Lunsford *et al.* in view of Kubo *et al.* and further in view of Phillips and further in view of Holt *et al.* (U.S. Publication No. 2005/00113074).

Claims 3-5, 25-27, 39-41, 47-49 and 58-61 depend respectively from independent claims 1, 23, 36, 44 and 56. Holt is cited for its disclosure of a voice-controlled service that enables a user to retrieve information from a server. Holt does not overcome, nor is it asserted to overcome, the deficiencies of Lunsford, Kubo and Phillips as explained above with respect to the independent claims.

Applicant respectfully submits that Lunsford, Kubo, Phillips and Holt, either individually or in combination, do not disclose or suggest all of the features recited in Applicant's claims 3-5, 25-27, 39-41, 47-49 and 58-61.

Claims 6-7 and 62-63

Claims 6-7 and 62-63 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Lunsford *et al.* in view of Kubo *et al.* and further in view of Phillips and further in view of and further in view of Holt *et al.* and further in view of Cheung (U.S. Publication No. 2004/0024647).

Claims 6, 7, 62 and 63 depend respectively from independent claims 1 and 56. Cheung is cited for its disclosure of a communication service providing automatic playback of a prerecorded message. Cheung does not overcome, nor is it asserted to overcome, the deficiencies of Lunsford, Kubo, Phillips and Holt as explained above.

Applicant respectfully submits that Lunsford, Kubo, Phillips, Holt and Cheung, either individually or in combination, do not disclose or suggest all of the features recited in Applicant's claims 6, 7, 62 and 63.

Claims 20 and 32

Claims 20 and 32 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Lunsford *et al.* in view of Kubo *et al.* and further in view of Phillips and further in view of Kumar *et al.* (U.S. Publication No. 2003/0081758).

Claims 20 and 32 depend respectively from independent claims 1 and 56. Kumar is cited for its disclosure of a transmitting a dialing signal over a wired connection. Kumar does not overcome, nor is it asserted to overcome, the deficiencies of Lunsford, Kubo and Phillips as explained above.

Applicant respectfully submits that Lunsford, Kubo, Phillips and Kumar, either individually or in combination, do not disclose or suggest all of the features recited in Applicant's claims 20 and 32.

CONCLUSION

Applicant respectfully submits that, for at least the reasons discussed above, the claims define over the prior art. Accordingly, the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4226 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

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